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December 21, 2012

**VIA EMAIL**

Hon. Andrew L. Carter, Jr.  
United States District Court for the  
Southern District of New York  
500 Pearl Street, Room 725  
New York, New York 10007

**VIA FACSIMILE (212) 805-4258**

Hon. Debra Freeman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re:** *Robledo, et al. v. No. 9 Perfume Leasehold, et al., 12 CV 3579 (ALC)(DCF)*  
**related to**  
*Robledo, et al. v. Bond No. 9, et al., CV 12 6111 (ALC)*

Dear Judge Carter and Judge Freeman:

We represent the Plaintiffs in the above-referenced action and write in regards to the notice of deposition that was served upon counsel for Dennis A. Lalli, Esq.

By way of background, Plaintiffs noticed Mr. Lalli's deposition for January 2, 2013 via email on November 27, 2012. On December 6, Defendants wrote the Court to request a "conference to address the scope and order of discovery in this case." They wrote again yesterday, December 20, to ask the Court to schedule such a conference, in light of the fact that Plaintiffs had noticed the deposition of Mr. Lalli.

We respectfully request that the court take note of the fact that this deposition was noticed almost one (1) month ago and approximately (1) week before Defendants wrote the Court for the first time regarding this matter, on December 6. Plaintiffs do not understand why Defendants represent to the Court that the matter is urgent, since they let it languish for almost one (1) month.

Plaintiffs do not wish to waste the Court's resources addressing an issue that was already thoroughly briefed, that is whether Mr. Lalli is a fact witness. In short, Defendants contend that Mr. Lalli's deposition should not be held, at least until the Court rules on Plaintiffs' Motion to Disqualify Counsel. Plaintiffs were not approached with such a request and Defendants did not seek Plaintiffs' opinion on this issue. Nonetheless, Plaintiffs consent to this request, and respectfully suggest that Parties should confer after the Court's ruling and discuss Mr. Lalli's deposition.

We thank the Court for its time and attention to this matter.

Hon. Andrew L. Carter, Jr.  
Hon. Debra Freeman  
December 21, 2012  
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Respectfully submitted,  
THE HARMAN FIRM, PC

s/  
Peter J. Andrews

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